

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON ZEBLEY and  
ANISSA ZEBLEY, h/w

v.

POLICE OFFICER BRIAN  
JUDGE, et al.

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CIVIL ACTION  
NO. 11-6258

**ORDER**

AND NOW, this 12th day of March, 2013, after consideration of: (1) defendants' motion to preclude testimony or evidence that plaintiffs suffered an intentional infliction of emotional distress (Dkt. No. 15); (2) defendants' motion to preclude evidence by plaintiffs of failure to intervene by the defendants (Dkt. No. 16), (3) defendants' motion in limine to preclude comments made by purportedly unknown officers with respect to plaintiff's condition while seated in the police car (Dkt. No. 17); (4) defendants' motion in limine to preclude evidence that officers McDevitt or Judge used force upon the plaintiff when he was in his cell (Dkt. No. 18) and plaintiff's responses thereto, it is ORDERED that:

1. Defendants' motion to preclude testimony or evidence that plaintiffs suffered an intentional infliction of emotional distress (Dkt. No. 15) is DENIED;
2. Defendants' motion to preclude evidence by plaintiffs of failure to intervene by the defendants (Dkt. No. 16) is GRANTED;
3. Defendants' motion in limine to preclude comments made by purportedly unknown officers with respect to plaintiff's condition while seated in the police car (Dkt. No. 17) is DENIED; and

4. Defendants' motion in limine to preclude evidence that officers McDevitt or Judge used force upon the plaintiff when he was in his cell (Dkt. No. 18) is DENIED.

/s/ Thomas O'Neill  
THOMAS N. O'NEILL, JR., J.